HON'BLE MS JUSTICE G. ROHINI

W.P.NO. 14692 OF 2002

DATED: 12.10.2007

Between:

Mavuluru Sundararami Reddy and others

... Petitioners

and

The District Collector, Nellore District and others

... Respondents

HON'BLE MS JUSTICE G. ROHINI

W.P.NO.14692 OF 2002

ORAL ORDER:

This writ petition is filed seeking a Writ of Certiorari to call for the records relating to the order of the 2nd respondent-Revenue Divisional Officer, Kavali dated 14.11.1999 and to quash the same being arbitrary and illegal.

The petitioners claim title and possession in respect of Ac.150 of land situated in Old Sy.No.49/A, correlated to New Sy.Nos. 49/1, 49/2, 49/3, 50/1, 50/2, 50/3, 53, 54, 56, 57, 58, 66, 67, 119 and 120 of Thiruveedipadu Village, Dagadarthi Mandal, Nellore District, having purchased the same from Smt. M. Annapurnamma and others. It is stated that originally Thiruveedipadu village was notified as an Inam Estate, under the provisions of Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 (for short 'the Estates Abolition Act') vide notification dated 20.8.1953. However, this court by judgment dated 21.4.1969, in LPA No.112 of 1965, declared that the said village was not an Inam Estate.

Consequently, proceedings were initiated under the Andhra

Pradesh (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956 (for short 'the Act') and after due enquiry the land in question was declared to be vested with the Government under Section 2-A of the Act vide order of the Inams Deputy Tahsildar, Kavali dated 2.6.1977. The said order was the subject matter of various proceedings and ultimately on remand the Inams Deputy Tahsildar, passed orders in I.A.No. 4/82 dated 1.8.1982, I.A.No.4/2/82 dated 1.9.1982 and I.A.No.6/82 dated 24.11.1982, granting ryotwari pattas in favour of several applicants, including the vendors of the petitioners, in respect of the Old Sy.No.49/A.

Though the said orders in favour of the vendors of the petitioners have become final, the ryotwari pattas granted in respect of different lands under I.A.No.1/82 dated 30.11.1982 were challenged by one Mopuru Sundararami Reddy, by preferring an appeal before the Revenue Court, Kavali. The said appeal was clubbed with another appeal filed by the MRO, Dagadarthi, and both the appeals were disposed of by a common order dated 14.11.1999 holding that the land in question was waste land. Accordingly while setting aside the pattas granted in I.A.No.1/82, strangely the ryotwari pattas granted in favour of the vendors of the petitioners in I.A.Nos.4/82, 4/2/82 and 6/82 were also set aside though neither the assignees nor their vendors were parties to the said Appeals.

Aggrieved by the said order dated 14.11.1999, the present writ petition has been filed, contending that the impugned order, on the face of it, is erroneous, arbitrary and illegal since the ryotwari

pattas granted to the vendors of the petitioners in I.A.Nos. 4/82, 4/2/82 and 6/82, with which the petitioners herein are concerned, are not the subject matter of the appeal preferred by Mopuru Sundararami Reddy. It is also contended that neither the petitioners herein nor their vendors were made parties to the appeal before the Revenue Court and on that ground also, the impugned order being violative of the principles of natural justice, is liable to be set aside.

A counter affidavit has been filed by the 2nd respondent-RDO, Kavali, in which the plea of the petitioners that the ryotwari pattas granted in favour of the vendors of the petitioners in I.A.Nos. 4/82, 4/2/82 and 6/82 were not the subject matter of the appeal preferred by Mopuru Sundararami Reddy, has not been denied. It is further stated that Mopuru Sundararami Reddy claimed an extent of Ac.152.25 comprised in O.S.No.49/A with regard to 6/24th share in a total extent of Ac.1525.25, with specific boundaries and that the same does not relate to the claim of the petitioners.

I have heard the learned counsel for both the parties and perused the material on record. The learned Government Pleader for Revenue, on being instructed by the respondents, reiterated that the land claimed by the petitioners is covered by the ryotwari pattas gratned in favour of Smt. M. Annapurnamma and others in I.A.Nos. 4/82 dated 1.8.1982, 4/2/82 dated 1.9.1982 and 6/82 dated 24.11.1982 and that the same is not the subject matter of the

appeal preferred by Mopuru Sundararami Reddy.

It is also brought to the notice of this court by the learned counsel for the petitioners that during the pendency of this writ petition, pursuant to the impugned order dated 14.11.1999, the claim of Mopuru Sundararami Reddy was considered by the MRO, Dagadarthi and ryotwari pattas were granted on 17.3.2005 for a total extent of Ac.150 in Sy.Nos. 149 to 157 P, 158, 169, 170 P, 171, 172P to 178, covered by Old Sy.No.49/A. The said order was also confirmed on appeal by the Revenue Court, Kavali, by order dated 19.11.2005.

On the basis of the said orders, learned counsel for the petitioners submitted that the Old Sy.No. 49/A is not a waste land, but is a ryoti land.

In view of the facts noticed above, which are not disputed by the respondents, it is clear that the ryotwari pattas granted in favour of the vendors of the petitioners in respect of the land purchased by them i.e., ryotwari pattas granted in I.A.No.4/82 dated 1.8.1982, I.A.No.4/2/82 dated 1.9.1982 and I.A.No.6/82 dated 24.11.1982 were not the subject matter of the appeal preferred by Mopuru Sundararami Reddy before the Revenue Court, Kavali.

Hence, the impugned order dated 14.11.1999 passed by the Revenue Court, Kavali, setting aside the ryotwari pattas granted in I.A.No.4/82 dated 1.8.1982, I.A.No.4/2/82 dated 1.9.1982 and I.A.No.6/82 dated 24.11.1982, which on the face of it, is erroneous is liable to be set aside on that ground alone.

In view of the above conclusion, the rest of the contentions raised by the petitioners on merits, need no consideration.

In the result, the writ petition is allowed and the impugned order dated 14.11.1999 to the extent of cancelling the ryotwari pattas granted in I.A.No.4/82 dated 1.8.1982, I.A.No.4/2/82 dated 1.9.1982 and I.A.No.6/82 dated 24.11.1982, is hereby set aside. There shall be no order as to costs.

G. ROHINI, J

Date: 12.10.2007

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